IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3190 OF 2004

IN

SUIT NO.2871 OF 2004

State Bank of India ... Plaintiffs

v/s

Sunil Raghunath Shetty and anr. ... Defendants

Ms Surve i/b M/s Little and Co. for Plaintiffs.

None for Defendants.

CORAM : D.K. DESHMUKH J.

DATE : 25TH NOVEMBER 2005.

P.C. :-

1. This is a notice of motion taken out by the plaintiff - Bank. The learned counsel appearing for plaintiffs states that the defendants have been served, affidavit of service has been filed. None appears for the defendants, they have not filed any reply. Therefore, accepting the averments made in the affidavit in support of the motion, notice of motion is granted in terms of prayer clause (b) excluding the bracketed portion. The Court Receiver shall not disturb possession of the mortgaged flat. The Court Receiver shall offer agency of the Court Receiver to be in possession of the flat to the person who is in possession on usual terms and conditions including royalty and security. Till the Court Receiver takes possession, ad-interim order in terms of prayer clause (a) is granted. Notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy,

. Certified copy expedited.